



# San Diego City Attorney **MICHAEL J. AGUIRRE**

## **NEWS RELEASE**

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### **CITY ATTORNEY URGES SAN DIEGANS TO ENGAGE IN PUBLIC DEBATE OVER HOW TO GAIN WATER INDEPENDENCE**

#### *City Attorney supports the City's Water Reuse Study*

**San Diego, CA**—The discussion over ensuring that San Diegans have safe, reliable water delivered to their homes and businesses is a debate that all citizens must take part in—not just elected officials. The urging comes from City Attorney Michael Aguirre after Mayor Jerry Sanders criticized the City Attorney for making recommendations to the Mayor and City Council that address both water recycling and the Point Loma Wastewater Treatment Plant.

"This is an issue that will affect all of us—not just politicians because 90% of the City's water is imported," said City Attorney Aguirre. "Furthermore, every potential means of enhancing our local water supply should be on the table. Through public debate the City should consider all alternatives that are contained in the City's 2006 Water Reuse Study and set a course to diversify our water resources and achieve water independence."

More specifically, yesterday, the Mayor issued a memorandum to the City Council and the City Attorney regarding the Water Reuse Study. Though, the memorandum outlines many positive steps the City is taking to increase its water supply, the Mayor indicates he will "oppose any attempts to pursue indirect potable reuse." The Mayor also states that it is premature to have such discussions with potential litigants in relation to the waiver from secondary treatment at the Point Loma plant.

Below is the City Attorney's response to the Mayor's comments:

#### Point Loma waiver and Water Reuse

The Point Loma waiver and water recycling are inextricably linked. The Ocean Pollution Reduction Act, passed in 1994 to allow the City of San Diego to reapply for a waiver from secondary treatment, required the City to construct 45 million gallons per day of reclaimed water capacity as a condition of the waiver. Local environmental groups have said they will challenge a grant of another waiver in court unless the City commits to actually using the recycled water the plants are capable of producing. It impossible to discuss the waiver without also addressing water recycling.

(MORE)

It is not premature to discuss these issues with potential litigants. The City has been having such discussions for some time. *See* City Manager's Report No. 05-156 at p. 2; Report to City Council No. 06-103 at p. 2. On July 26, 2006, the Rules Committee of the City Council unanimously endorsed working towards a consent decree that would implement secondary treatment at Point Loma, within terms and a timeframe to be determined. *See* Minutes of Rules Committee of July 26, 2006, Item No. 1. The City Attorney concurs with this approach, and will continue to explore possible options and alternatives to secondary treatment.

### The Cost of Indirect Potable Reuse

One of the reasons the Mayor says he is opposed to indirect potable reuse is that the cost is much higher than other sources of water. Other sources may not be available, however, and may do little to decrease the City's reliance on imported water. The advantage of indirect potable reuse is that it gives the City a drought-resistant, reliable source of water that is under local control.

With regard to the North City Water Reclamation Plant, indirect potable reuse is the least expensive alternative that utilizes the existing plant's capacity. According to the Water Reuse Study, after the current reclaimed distribution system is finished in 2010, indirect potable reuse at San Vicente will cost \$1,630 per acre-foot. Water Reuse Study, Figure 7-1. Expanding the distribution system and using the water only for irrigation costs as much as \$5,240 per acre-foot, and only utilizes 73% of the plant's capacity. Indirect potable reuse "appears to be the appropriate choice if the driving decision factors are to maximize recycled water use and have the lowest ultimate unit costs." Water Reuse Study, page 7-10.

The issue of water recycling surfaced last month when a Federal court announced severe restrictions on the operation of the massive pumps that send water from the San Francisco Delta to Southern California in order to protect the Delta Smelt, an endangered fish species. These restrictions are anticipated to take effect as soon as this December.

To view the City Attorney's September 4, 2007, letter to the Mayor and City Council, visit [www.sandiegocityattorney.org](http://www.sandiegocityattorney.org), click "Significant Reports and Legal Documents" and to view the City Attorney's comments on video click "Media Center, Videos."

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